

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

GREGORY B. CRAIG,

Defendant.

Case No. 1:19-cr-0125 (ABJ)

DEFENDANT'S DISCLOSURE OF EXPERT WITNESS

Pursuant to Fed. R. Crim. P. 16(b)(1)(C) and the Court's Scheduling Order dated April 19, 2019 (ECF No. 11), Defendant Gregory B. Craig hereby discloses that he intends to call as a trial witness Amy Jeffress, currently a partner with Arnold & Porter, who will offer expert testimony under Rules 702, 703 and 705 of the Federal Rules of Evidence. Ms. Jeffress will opine that it would have been reasonable for a knowledgeable practitioner in the field in or around 2012 and 2013 to believe that a lawyer or law firm engaged by a foreign government to perform an independent analysis and to complete a report on the procedures utilized in a criminal prosecution in that foreign country was not required to register as an agent of the foreign principal under the provisions of the Foreign Agents Registration Act, 22 U.S.C. § 611 *et seq.*, regardless of how the foreign entity intended to use the report or did in fact use it. Ms. Jeffress will further opine that it would have been reasonable for a knowledgeable practitioner to believe that providing a copy of the report to a few media outlets and speaking about the conclusions contained in it, in order to ensure that those conclusions were accurately reported in the U.S. media, would not require registration as long as those contacts were not made under the direction and control of the foreign principal, even if the client had an interest in the report's getting public attention.

We also expect that the government will seek to obtain testimony from one or more lay or expert witnesses as to facts material to a determination of whether Mr. Craig and Skadden were required to register, and the significance of omitted facts to that question. In that event, we expect Ms. Jeffress to respond to that testimony consistent with her previously described opinions.

Ms. Jeffress may also offer more detailed testimony about these matters based on hypothetical assumptions presented to her that are based on the documents to be offered in evidence or testimony by other witnesses.

Ms. Jeffress will base her opinions on her experience as a federal prosecutor, including especially her role as Chief of the National Security Section of the United States Attorney's Office for the District of Columbia, from 2007 to 2009, during which time she supervised that Office's investigations and prosecutions related to FARA, and her knowledge of how the FARA Unit performed its functions. She will also base her opinions on her experience serving as the designated FARA advisor for Arnold & Porter with respect to her own law firm's FARA obligations. And she will base her opinions on her knowledge gained as a FARA practitioner who often advises clients (including lawyers and law firms, consulting firms, and some foreign companies) on their registration obligations under FARA. Ms. Jeffress's opinions will also be based on her review of documents produced by the government in discovery in this case, and her knowledge of the activities of lawyers and law firms representing foreign governments and foreign entities during the relevant time frame.

Ms. Jeffress's qualifications are described in the attached biography drawn from Arnold & Porter's website. In addition, Ms. Jeffress is the principal author of an article concerning FARA in Bloomberg Law, entitled "INSIGHT: Clearing the Mist Surrounding the Foreign

Agents Registration Act,” published by BNA on July 13, 2018. She is part of an informal “FARA Practitioners Group,” and through that group she has been invited to speak during the American Conference Institute’s National Forum on FARA to be held on September 25, 2019. On April 17, 2019, Ms. Jeffress participated in a roundtable conference sponsored by the Center for Ethics and the Rule of Law at the University of Pennsylvania and the American Enterprise Institute, entitled “A Tool to Protect Democracy: Modernizing the Foreign Agents Registration Act.” Ms. Jeffress has been appointed as a Distinguished Fellow at Syracuse University’s Institute for National Security and Counterterrorism. She also has lectured on national security topics at Yale, Harvard and the University of Virginia Law Schools, and has participated in panels of the ABA National Security Conference and the ABA Homeland Security Conference.

Mr. Craig will be prepared to provide further information concerning Ms. Jeffress’s expected expert testimony when the parties’ Joint Pretrial Statement is filed on July 22, 2019.

Dated: June 10, 2019

Respectfully submitted,

/s/ William W. Taylor, III

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on June 10, 2019, the foregoing was served on counsel of record via the Court's CM/ECF Service.

/s/ Ezra B. Marcus

Ezra B. Marcus

Arnold & Porter



Amy Jeffress

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Amy Jeffress represents clients in criminal defense, national security, and compliance matters. She conducts internal investigations and advises companies and individuals on export enforcement, FCPA, classified information, the Foreign Agents Registration Act (FARA), and mutual legal assistance and other international law enforcement issues, including extradition and INTERPOL notices.

Before joining the firm, Ms. Jeffress served as the Justice Department Attaché to the US Embassy in London, where she coordinated cooperation between US and UK authorities on criminal matters. She previously served as Counselor to the Attorney General, advising the Attorney General and senior Department leadership and interfacing regularly with the White House and National Security Council, the intelligence community, and other agencies on national security investigations and prosecutions and international matters.

Ms. Jeffress tried more than 40 cases during her 13 years as a federal prosecutor with the US Attorney's Office for the District of Columbia. She served as Chief of the National Security Section, conducting and supervising investigations and prosecutions of international and domestic terrorism, espionage, export control violations, and other crimes related to national security.

FOCUS AREAS

National Security

Government Contracts

White Collar Defense

Anti-Corruption

Export Control and Sanctions

Experience

REPRESENTATIVE MATTERS

- *Multiple companies and individuals* in government and internal investigations relating to export enforcement, including alleged violations of the Export Administration Regulations (EAR), the International Traffic in Arms Regulations (ITAR), Office of Foreign Assets Control (OFAC) sanctions, and United Nations sanctions. Gained specific experience involving sanctions relating to China, Iran, Russia, and Cuba.
- *Companies and individuals* on a range of matters relating to national security, including handling of classified information and security clearances.
- *Former State Department official* in high-profile Department of Justice investigation; successfully obtained declination.
- *Numerous individuals* in white collar criminal investigations, during Grand Jury proceedings and at trial.
- *Companies* seeking guidance on FCPA, anti-bribery, anti-money laundering, OFAC, and SEC compliance.
- *Public company* in internal investigation of SEC whistleblower allegations.
- *Individuals* challenging INTERPOL Red Notices; obtained decisions from INTERPOL to delete or block Red Notices in four separate individual matters.
- *Multiple individuals* challenging extradition to and from the United States.

Perspectives

- March 19, 2019
Defending Your Client Under Congressional Investigation
Speaker, American Bar Association—Criminal Justice Section, Washington, DC
- January 29, 2019
Welcoming the 116th Congress: How to Prepare for the Congressional Investigations Boom
Arnold & Porter's Insights for Nonprofit Organizations, Washington, DC
- November 5, 2018
US Sanctions Against Iran Re-Imposed as Wind-Down Periods for Iran Deal Expire
Advisory
- July 13, 2018
INSIGHT: Clearing the Mist Surrounding The Foreign Agents Registration Act (pdf)
Bloomberg Law
- June 2017 (Updated June 2018)
Deskbook on Internal Investigations, Corporate Compliance and White Collar Issues (2nd Edition)
PLI Practising Law Institute

MORE

Recognition

- ***The Legal 500 US***

Corporate Investigations and White-Collar Criminal Defense (2015, 2017, 2019)

- ***Chambers USA***

Litigation: White-Collar Crime & Government Investigations (DC) (2018-2019)

- ***Washingtonian Magazine***

"Top Lawyers" – White Collar (2017, 2018)

"Top Lawyers" – National Security (2015)

MORE

Credentials

Education

- JD, Yale Law School, 1992
- Diploma, Political Science, Freie Universität Berlin, 1989
- BA, Political Science, Williams College, 1987, *magna cum laude*

Admissions

- District of Columbia
- Virginia

Government and Military Service

- Justice Department Attaché, US Embassy London
- Counselor to the Attorney General for National Security and International Matters, Department of Justice
- Chief, National Security Section, US Attorney's Office for the District of Columbia